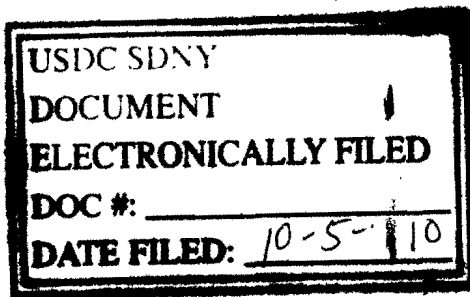


MEMO ENDORSED



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October 4, 2010

Sent by Fax to (212) 805-7949

Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Hatchett v. T&M Transportation, LLC, et al.
Docket No.: 09-cv-08810 (PKC)(AJP)

Dear Judge Castel:

Our law firm represents plaintiff Travis Hatchett in the above-referenced matter. I am writing, on behalf of all parties, to request a modification of the discovery schedule, due to the recent scheduling of plaintiff's surgery.

The case arises from a motor vehicle accident. As was discussed at the Initial Pretrial Conference on September 2, 2010, Mr. Hatchett recently accepted his doctor's recommendation to undergo a second surgery to his lumbar spine. This procedure is alleged to be causally related to the subject accident. At time of the conference, the surgery had not yet been definitively scheduled, because Mr. Hatchett was awaiting approval of the procedure by his insurer. The surgery has since been scheduled for November 4, 2010.

In its Scheduling Order, the Court directed that all fact discovery be completed by December 29, 2010, "unless plaintiff's upcoming surgery precludes defendants from timely conducting his deposition and physical examination(s)." Mr. Hatchett will not have completed his post-surgical physical therapy before the present deadline. It therefore would not be medically advisable for him to travel to New York for deposition until some time in January. The defendants also would be unable to conduct meaningful physical examinations prior to the current deadline. Mr. Hatchett would still be recovering from the procedure, and defendants' examining physicians would potentially be unable to evaluate what his condition and limitations will be following resolution of his post-surgical complaints.

Accordingly, the parties would respectfully request that the deadline for the completion of fact discovery be extended to April 15, 2011. This would allow the parties to complete all depositions, whatever documentary discovery might follow from them, and physical

The time set forth in paragraph 5 for completion of fact discovery is extended to April 15, 2011. The time in paragraph 7 for completion of expert discovery is extended to May 30, 2011. In all other respects the schedule remains unchanged.

at 11:00 am
SO ORDERED
USDC
10-4-10

examinations in a timely manner. I am, in accordance with the Court's rules, enclosing a proposed revised scheduling order to that effect.

On behalf of all parties, I thank the Court for its consideration in the matter.

Respectfully submitted,

KELNER & KELNER, ESQS.

By: 
Joshua D. Kelner (JK-3303)

cc:

(By E-mail)
Seth Abrams, Esq.
Vanessa Koppel, Esq.